



Appeal Decision

Site visit made on 3 December 2019

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2019

Appeal Ref: APP/B0230/D/19/3240375

136 Sundon Park Road, Luton LU3 3AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ferdinand against the decision of Luton Council.
 - The application Ref 19/00238/FULHH, dated 22 February 2019, was refused by notice dated 16 August 2019.
 - The development proposed is a two storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether or not the proposal would result in satisfactory living conditions for the occupiers of 138 Sundon Park Road (No 138) having regard to their outlook, light and visual impact, (ii) the effect of the proposal on the character and appearance of the area, and whether or not the proposal makes sufficient provision for (iii) the storage of bins, and (iv) the off-street parking of cars.

Reasons

Character and appearance

3. Sundon Park Road has a mixed character, but the immediate area surrounding the appeal site has many properties of a similar style and design to the appeal site. A number of these properties, including both neighbours have been extended or otherwise altered in a variety of styles. The road to the side and rear, Selina Close is more recent and the houses there are built in a different style.
4. The rear of the appeal site is visible from Selina Close in the context of its neighbours and it is clear from those public views that although many of the houses on Sundon Park Road have been altered and extended, two-storey rearward extensions are not common.
5. I accept that the proposal would not give rise to any terracing effect from the front. However, in spite of the many and varied extensions in the street-scene, the particular two-storey form and design of the appeal proposal would appear incongruous owing to the lack other similar alterations. Given the limited size of the garden which would remain, and the large single storey elements which would surround it, the proposal would appear out of scale with the surrounding dwellings, particularly when viewed from the rear. As such, it would in my view cause harm to the character and appearance of the area.

6. Whilst I accept that the principle of extending properties in order to make best use of urban land is supported by the National Planning Policy Framework (the Framework), this is qualified against the need to ensure that development is appropriate to the character and appearance of the area. As I have found above, although I do not consider the side elements of the proposal to be unacceptable, in my view, the combined effect of the rear elements lead me to consider that the proposal would appear out of scale and therefore incongruous within the established character and appearance of the area.
7. I note the suggestion of the appellant that there was permission for a previous extension, records of which appear to have been lost, which may have been larger than the appeal proposal. However, as I have no details of this proposal before me, it does not change my conclusions above.
8. The proposal would therefore conflict with Policy LLP1, Policy LLP19 and Policy LLP25 of the Local Luton Plan 2011-2031 November 2017 (the LLP) and the Framework. These policies seek, amongst other things, to ensure that extensions and alterations respond to local character, are consistent with and proportionate to the scale, mass and character of their surroundings, deliver high quality design and deliver well-designed places.

Living conditions

9. The single-storey element of the extension, with its relatively low pitch would be a tall and dominant feature along the boundary with No 138. Its impact would be heightened by its overall length relative to the size of the garden and its location on the boundary. I do not consider that the low roof pitch would be sufficient mitigation against the impact of the proposal, particularly in light of arrangement of the apex of the roof relative to No 138. Although the appellant notes that the window in No 138 most affected by the proposal is a kitchen, Policy LLP19 of the LLP considers kitchens to be habitable rooms. As such, it seeks to protect them from any adverse impacts arising from extensions and alterations.
10. I acknowledge that although first-floor element does not impinge on a 45-degree line taken from the neighbouring windows. However, coupled with the over-dominant ground floor element, the overall scale and bulk of the two-storey element would add to the dominant effect of the proposal as a whole with regard to harm to outlook. The orientation of the proposal relative to No 138 means that the proposal would also lead to a reduction in light reaching both the garden and the rear of the property.
11. The appellant has suggested that the single-storey element of the proposal would be "almost equivalent" to that which could be constructed under the permitted development regime. However, they have provided no further details of this position, so I give it little weight. In any event, it does not change my conclusions on the harm which I find the proposal before me would cause.
12. The proposal would therefore cause harm to the living conditions of the occupiers of No 138 having regard to their outlook, light and visual impact. It would therefore conflict with Policy LLP1, Policy LLP19 and Policy LLP25 of the LLP, which seek amongst other things to ensure that development is of appropriate, high-quality design and does not adversely affect the amenity of nearby occupiers. The proposal would also conflict with the aims of the Framework to ensure a high standard of amenity for existing occupiers.

Bin storage

13. In light of the size of the verge to the front of the property, which is shown as being able to provide at least two policy-compliant parking spaces, a non-compliant one and a gap to the soft landscaping, I consider that there is sufficient space to the front of the dwelling for the storage of refuse bins associated with the property. I note from my site visit that the storage of bins in front gardens, or in places where they are otherwise visible is not unusual in Sundon Park Road. I do not therefore consider that the storage of bins at the front of the property would be unsightly to such a degree that it would cause harm contrary to Policy LLP19 of the LLP.

Parking

14. Policy LLP32 of the LLP sets out the need for the Council to manage parking, and Appendix 2 sets parking maxima for residential development, requiring two spaces for 2/3 bedroom dwellings, and three for 4+ bedroom dwellings. Importantly, those requirements are accompanied by the qualifier "or lower depending on accessibility".
15. The proposed drawings show that the proposal will deliver three bedrooms and a study. The proposal does therefore provide sufficient parking spaces in accordance with the policy. I note the concern of the Council over the number of potential habitable rooms in the property as a result of the proposal. However, I am conscious of the qualifier in the policy allowing for a lower number of parking spaces depending on the accessibility of the site. From my site visit, it appears that the site is well located for facilities and services and is therefore in a relatively accessible location.
16. Coupled with the drawings which show a three-bedroom house and at least two policy-compliant parking spaces, I am satisfied that the proposal would not exacerbate road congestion, cause safety problems or cause harm to the quality of the local road environment as a result of the parking requirements of the proposal.
17. The proposal would therefore comply with Policy LLP1 and Policy LLP32 of the LLP, which seek amongst other things to preserve the character of an area and manage parking to ensure a balance between delivering sufficient parking spaces to avoid adverse effects and promoting modal shift.

Conclusion

18. For the reasons given above I conclude that although the appeal would make sufficient provision for the storage of bins and the parking of cars, it would cause unacceptable harm to the character and appearance of the area and the living conditions of occupiers of a neighbouring property. It should therefore be dismissed.

S Dean

INSPECTOR